

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/806,763	03/22/2004	Tim Forrester	UP1 00116

32968
 KYOCERA WIRELESS CORP.
 P.O. BOX 928289
 SAN DIEGO, CA 92192-8289

CONFIRMATION NO. 2438

FORMALITIES LETTER



OC000000012898179

Date Mailed: 06/08/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/13/2004 FFANAI2 00000028 10806763

02 FC:1051

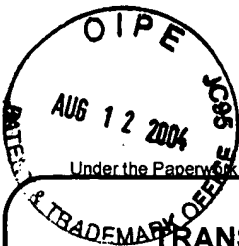
130.00 OP

Ale Resfay

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/806,763

Filing Date

March 22, 2004

First Named Inventor

FORRESTER, Tim

Art Unit

2819

Examiner Name

to be assigned

Attorney Docket Number

UP1 00116

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Response to Missing Parts/
Incomplete ApplicationResponse to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

Remarks

After Allowance communication
to Technology Center (TC)Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please
Identify below):Copy of Notice to File Missing Parts; Copy of
KWC-Forrester Correspondence; Credit Card
Payment Form; Return Receipt Postcard**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual nameLee Hsu, Esq., Reg. No. 39,716
KYOCERA WIRELESS CORP.

Signature

Date

August 9, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Mail Stop Missing Parts

Typed or printed name

Shelley M. Callagy

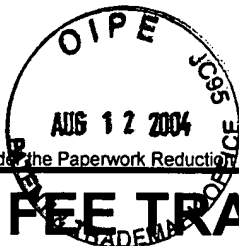
Signature

Date

August 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 260.00

Complete if Known

Application Number	10/806,763
Filing Date	March 22, 2004
First Named Inventor	FORRESTER, Tim
Examiner Name	to be assigned
Art Unit	2819
Attorney Docket No.	UP1 00116

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-3001

KYOCERA WIRELESS CORP.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 260.00

SUBMITTED BY

Name (Print/Type) Lee Hsu, Esq.

Registration No. 39,716
(Attorney/Agent)

(Complete (if applicable))

Telephone (858) 882-1950

Signature

Date

August 9, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



KYOCERA WIRELESS CORP.
10300 CAMPUS POINT DRIVE
SAN DIEGO, CALIFORNIA 92121

July 21, 2004

Tim Forrester
11082 Mulgrave Road
San Diego, CA 92131

RE: **United States Application No.: 10/806,763**
Title: **SYSTEMS AND METHODS FOR CONTROLLING OUTPUT
POWER IN A COMMUNICATION DEVICE**
Inventor(s): **Forrester et al.**
Filed: **March 22, 2004**
Our Ref.: **UP1 00116 US**

Dear Tim:

Enclosed is a Declaration that requires your signature for filing in connection with the Response to File Missing Parts due in connection with the above-captioned application. We have also enclosed a copy of the application as filed for your review and records.

Assuming all information is accurate, please sign and date the document where indicated and return it to us by **July 30, 2004** in the self-addressed stamped envelope provided within in order to ensure that we meet the deadline for filing the response in a timely manner.

Should there be any correction necessary on the document, please contact me at (858) 882-2893 as soon as possible so I may make the appropriate revisions and have a new version of the document mailed to you.

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

TIM FORRESTER
11082 Mulgrave Road
San Diego, CA 92131

DELIVERY CONFIRMATION NUMBER:
9040 4ET 0000 DEHE EDED



POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☒ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

(See Reverse)

PS Form 152, May 2002



Tim Forrester

July 21, 2004

Page 2

We appreciate your cooperation and look forward to receiving the executed Declaration from you on or before July 30, 2004.

Yours truly,

A handwritten signature in cursive script, appearing to read "Shelley M. Callagy".

Shelley M. Callagy
Assistant to Intellectual Property Counsel

Enclosures



11082 Mulgrave Road
San Diego
CA 92131
July 23rd 2004

Attn: Shelley Callagy

Re: Application Number 10/806/763

Dear Shelly,

Please find attached the paperwork you recently sent me. You will notice that I have not signed as requested, please let me explain why.

1. There is the question of the unpaid invoice I submitted (dated March 2nd 2004).
2. Several other patents have been issued in my name since I left KWC and I am yet to receive any financial benefit from KWC for these patents.
3. To adequately check this enclosed patent consumes significant time and effort – something I'm not prepared to do if KWC continues its policy of not compensating me.
4. Finally, I am the sole inventor of the above named patent.

As you maybe aware, I have approximately 16 sole and 8 joint KWC patents filed or approved, a number of which are likely to be of great value to KWC.

Therefore, it is in both our best interests if we can come to a financial agreement covering the effort required to complete the patent process.

Clearly my services are likely to be significantly less expensive than that of a patent attorney, further I have detailed knowledge of the subject matter.

Thus I suggest a very modest flat rate of \$1000 per patent. This payment would cover all work involved with office actions and routine paperwork etc. No further payments would be necessary for any patents issued as a result of my assistance.

This means your total liability would be in the region of \$24,000 maximum.

I welcome your comments on the above proposal and look forward to working with you.

Yours truly

A handwritten signature in black ink that reads "Tim Forrester".

Tim Forrester